

1 **PORTER, SCOTT, WEIBERG & DELEHANT**

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12 UNITED STATES DISTRICT COURT
13 EASTERN DISTRICT OF CALIFORNIA

14 BRANDY HASTINGS,

CASE NO. 05 603

15 Plaintiff,

16 **NOTICE OF REMOVAL OF ACTION**
17 **UNDER 28 U.S.C. SECTION 1441(b)**
18 **(DIVERSITY)**

19 v.

20 GTECH, CORPORATION, and DOES 1
21 through 50, inclusive,

22 Defendants.
23 _____/

24 **TO THE CLERK OF THE ABOVE-ENTITLED COURT:**

25 Please take notice that Defendant GTECH, CORPORATION hereby removes to this
26 Court the State Court action described below.

27 1. On December 15, 2004, an action was commenced in the Superior Court of the
28 State of California, County of Sacramento, entitled *Brandy Hastings v. GTECH, Corporation*
and *DOES 1-50, inclusive*, as case number 04AS05024. A copy of the Complaint in this
action is attached hereto as Exhibit "A".

2. The first date upon which defendant GTECH, Corporation received a copy of
the complaint was January 7, 2005, when defendant was served with a copy of said complaint

1 and a summons from the said state court. A copy of the summons showing the service date
2 of January 7, 2005 is attached hereto as Exhibit "B".

3 3. The complaint does not contain allegations regarding the specific amount of
4 money alleged to be at issue in this case. As a result, Defendant GTECH filed an answer to
5 the Complaint in the Sacramento County Superior Court. A copy of the Answer filed by
6 GTECH on February 4, 2005, is attached hereto as Exhibit "C".

8 4. In an effort to learn the amount at issue for removal purposes, Defendant
9 GTECH served Plaintiff with a Request for Statement of Damages on February 4, 2005. A
10 copy of the Statement of Damages filed and served by GTECH on Plaintiff on February 4,
11 2005, is attached hereto as Exhibit "D". Plaintiff did not respond to this request and, when
12 attorneys for GTECH spoke with counsel for Plaintiff, Plaintiff's counsel indicated he had
13 never received the request. As a result, on March 3, 2005, Defendant GTECH again served
14 Plaintiff with a Request for Statement of Damages. A copy of the Statement of Damages
15 served by GTECH on Plaintiff on March 3, 2005, is attached hereto as Exhibit "E". On March
16 17, 2005, Plaintiff served Defendant GTECH with a Statement of Damages wherein she
17 indicates that she is seeking \$1,748,000 in damages in this case. A copy of the Statement of
18 Damages served by Plaintiff on GTECH on March 17, 2004, is attached hereto as Exhibit "F".

20 5. This action is a civil action of which the court has original jurisdiction under 28
21 U.S.C. section 1332, and is on which may be removed to this court by defendant pursuant to
22 the provision of 28 U.S.C. section 1441(b), in that it is a civil action between citizens of
23 different states and the matter in controversy exceeds the sum of seventy five thousand dollars,
24 (\$75,000.00), exclusive of interests and costs because plaintiff claims the following damages
25 in this case in her Statement of Damages: lost income, lost future income, general and special
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1 damages, attorney fees and punitive damages in the amount of \$1,748,000.00.

2 6. Defendant GTECH is informed and believes that plaintiff Brandy Hastings was,
3 and still is, a citizen of the State of California. Defendant GTECH, Corporation, was, at the
4 time of the filing of this action, and still is, a citizen of the State of Rhode Island, as it is a
5 corporation incorporated under the laws of the State of Rhode Island, having its principal place
6 of business in the State of Rhode Island, and GTECH is the only Defendant that has been
7 served a Summons and Complaint in this action
8

9 7. Based on the foregoing, this Court has jurisdiction over this action in that this
10 action involves a controversy which exceeds the value of \$75,000.00 exclusive of interest and
11 costs, and is between citizens of different states. Accordingly, this action is properly removed
12 to this Court pursuant to the provisions of 28 U.S.C. § 1441 and § 1446.
13

14 Dated: March 28, 2005

PORTER, SCOTT, WEIBERG & DELEHANT
A Professional Corporation

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16
17 By MWP
18 Michael W. Pott
19 Attorneys for Defendant
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